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**FISCAL IMPACT STATEMENT**

**LS 6944**

**BILL NUMBER:** SB 273

**NOTE PREPARED:** Apr 12, 2013

**BILL AMENDED:** Apr 11, 2013

**SUBJECT:** Professions and Occupations.

**FIRST AUTHOR:** Sen. Miller Patricia

**FIRST SPONSOR:** Rep. Clere

**BILL STATUS:** 2<sup>nd</sup> Reading - 2<sup>nd</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill does the following.

*Definition Change-* The bill amends the definition of "ambulatory outpatient surgical center" to require that a certified registered nurse anesthetist (CRNA) administer the anesthetic under the direction of and in the immediate presence of a physician.

*Anesthesiologist Assistants-* The bill requires anesthesiologist assistants (AA) to be licensed and to work under a supervising anesthesiologist.

*Anesthesiologist Assistant Committee-* The bill establishes the Anesthesiologist Assistant Committee (AAC) to make recommendations to the Medical Licensing Board (MLB) concerning the licensure of anesthesiologist assistants.

*Criminal Penalties-* The bill makes it a Class B misdemeanor for an individual who professes to be an anesthesiologist assistant or uses the title "anesthesiologist assistant" without being licensed.

*Dietitians-* The bill requires that, with certain exceptions, an individual who: (1) professes to be a licensed dietitian; or (2) implies by words or letters that the individual is a licensed dietitian; must be licensed. It removes and amends certain provisions providing for certification of dietitians. The bill changes the name of the Indiana Dietitians Certification Board (IDCB) to the Indiana Dietitians Licensing Board (IDLB). The bill specifies that an individual who is a certified dietitian on June 30, 2013, becomes a licensed dietitian beginning July 1, 2013.

*Music Therapists-* The bill provides that an individual may not profess to be a certified music therapist or use the term "music therapy" to describe the therapy provided unless the individual holds and maintains the credentialing administered by the Certification Board for Music Therapists (CBMT). The bill provides that the law concerning certification of music therapists does not apply to the practice of an occupation or a profession for which an individual is licensed, certified, or registered in Indiana by a state agency if the individual is practicing within the scope of the license, certificate, or registration of the individual. It requires the Indiana Professional Licensing Agency (PLA) to maintain a hyperlink to the Internet web site for the CBMT on the Internet web site of the PLA.

*CRNA Anesthesia Administration-* The bill allows a certified registered nurse anesthetist to administer anesthesia under the direction of and in the immediate presence of a podiatrist if specified conditions are met. (Current law allows a CRNA to administer anesthesia under the direction of and in the immediate presence of a physician.)

*Health Finance Commission-* The bill requires the Health Finance Commission to study certain issues concerning CRNAs. The bill makes conforming changes.

**Effective Date:** Upon Passage; July 1, 2013.

**Explanation of State Expenditures:** *Anesthesiologist Assistant Committee-* The cost to establish the AAC is estimated at an average of \$3,600 annually. Estimated costs include per diem and travel for five AAC members, meeting agenda packaging and preparation for four meetings annually, signage costs, and Professional Licensing Agency staff time.

*Anesthesiologist Assistants-* Based on the current number of persons that have met the National Commission on Certification of Anesthesiologist Assistants (NCCAA) the cost to process licenses, other than additional computer software updates, would likely be minimal. However, over time, costs to process licenses could be higher as more Indiana residents achieve an NCCAA certification or more persons with a certification move to Indiana seeking jobs in the AA field.

Secondary Impact to the MLB- The Medical Licensing Board would be the governing body that would set fees, develop reciprocal licensing standards for military-trained AAs and preside over all disciplinary matters regarding AA licenses. Whether the MLB would need additional meetings to hear disciplinary cases, would depend on the number of licensed persons that may commit a violation. It is likely the MLB would be able to set the AA license fee during the course of a regularly scheduled business meeting.

A person who acts as an AA without a license would commit a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

*Dietitians-* The proposed IDLB would be able to make the rules necessary to comply with the bill within their existing level of resources.

The Indiana Dietitians Certification Board would have to meet at least four times instead of the current two

times per year. The IDLB would be able to receive and process complaints and investigate alleged violations. The IDLB would be able to issue subpoenas, examine witnesses, and administer oaths and seek injunctive relief to prohibit any unlicensed person from providing professional dietetic or nutritional care services. The IDCB has not had a meeting scheduled since August 2011. The proposed IDLB would have seven members, the same number as the current IDCB.

The bill would continue the existing practice of using a private testing vendor as approved by the Commission on Dietetic Registration (CODR). Depending on any rules adopted by the IDLB, any examination changes would depend on the CODR to complete and would not impact state expenditures. Examinations are currently computerized and are available year round, Monday through Friday.

The IDLB would be able to issue a license to an applicant, if the applicant presented evidence that he/she had been issued a license in a state that has requirements for licensure that are equivalent to the requirements for licensure in Indiana.

The bill would allow the IDLB to receive complaints and may refer them to the Attorney General (AG) for investigation and any further necessary legal action. This provision may cause an additional administrative workload on the AG's office.

Changing the name of the Indiana Dietitians Certification Board to the Indiana Dietitians Licensing Board would likely impact state expenditures. The board would have to change the letterhead of their existing stationary and applications in order to conform with the bill's requirements. With the widespread availability of applications and other informational documents for the IDLB available online, the costs would likely be mitigated if the PLA places the new documents online and keeps printing to a minimum.

The bill would give the proposed IDLB the power to waive the examination requirement for a licensed dietitian if certain provisions within the bill are met. The waiver plus the grandfather provision within the bill would significantly reduce the expenditures necessary to a negligible level to convert certified dietitians to licensed status.

*Music Therapists-* This provision would require the PLA to maintain a link on its website to the CBMT's website. This provision should not require much, if any, additional expenditure for the PLA.

*Health Finance Commission-* The Health Finance Commission should be able study the topics assigned by the bill within its standard course of meetings in 2013.

**Explanation of State Revenues:** *Anesthesiologist Assistants-* If the licensing fee for AA's were set at \$150, revenue would likely be less than \$1,000 in the first year of implementation, unless additional persons from outside of Indiana with an NCCAA certification were to move to Indiana seeking employment as an anesthesiologist assistant. [See: Background Information for more detail.]

Current law allows for a civil penalty not to exceed \$1,000 per violation whenever a licensed practitioner has been disciplined by a professional board via a fine. If more health practitioners are disciplined, as a result of the bill, state revenues may increase slightly with the imposition of more civil penalties. Professional licensing civil penalties are placed in the state General Fund.

*Dietitians-* The bill would give the proposed IDLB the option to increase the supervised practice experience

for a new dietician by 300 hours to 1,200 hours. This provision may slow the initial licensing of dieticians in the first years of implementation.

*CRNA Anesthesia Administration-* Under current law a person that violates any provision of the nursing statute commits a Class B misdemeanor. In the event that a registered certified nurse administered anesthesia, out of the presence of a physician or a podiatrist certified to administer anesthesia, the nurse would commit a Class B misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

*Fines-* Additionally, the State Nursing Board could sanction or discipline a nurse who violated the proposed requirements of the bill. Fines could be levied up to \$1,000 per violation. Health profession fines are placed in the state General Fund, unless otherwise designated by law.

*Background Information-* The NCCAA reports that there are four persons residing in Indiana that have an NCCAA certification. The State of Ohio has two licensed AA's with an Indiana home address. Ohio currently has about 150 actively licensed AA's. Ohio's population is nearly twice that of Indiana. If similar employment demands for AA's were to occur in Indiana over the next few years, the upper bound of Indiana licensees may reach 75 persons.

*PLA License Counts-* The Professional Licensing Agency reports there were 1,355 active certified dietitians as of September 2012. Certification fee revenue from dietitians totaled \$28,295 over the FY 2011 - FY 2012 biennium. Additionally, there were 230 active dental anesthesia permits and 693 active dental hygiene anesthesia permits. There were 2,018 active osteopathic physician licenses with 1,342 of them having a controlled substances regulation designation.

**Explanation of Local Expenditures:** *Criminal Penalties-* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small. A Class B misdemeanor is punishable by up to 180 days in jail.

**Explanation of Local Revenues:** *Criminal Penalties-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** Department of Correction; Professional Licensing Agency; Indiana Dieticians Certification Board; Medical Licensing Board; State Board of Nursing.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** *Indiana Handbook of Taxes, Revenues, and Appropriations*, FY 2012; Professional Licensing Agency active license/certification totals 9/19/2012; Felicia Kenan Boyles, Executive Director of the National Commission on Certification of Anesthesiologist Assistants; State of Ohio Professional Licensing Database: [license.ohio.gov/lookup](http://license.ohio.gov/lookup).

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